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11	UNITED STATES DISTRICT	COURT	
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14	COLLEEN MARY ROHAN, ex rel. OSCAR GATES,	C88-2779 WHA - LB	
15	Petitioner,	DEATH PENALTY CASE	
16	v.	PARTIES' STIPULATION RE: BRIEFING SCHEUDLE	
1.7		RE. BRIEFING SCHEUDLE	
17	KEVIN CHAPPELL,	ON MOTION FOR	
17	Warden, California State Prison at San Quentin,	ON MOTION FOR TRANSFER AND RESTORATION;	
18 19		ON MOTION FOR TRANSFER AND	
18	Warden, California State Prison at San Quentin, Respondent.	ON MOTION FOR TRANSFER AND RESTORATION; NDLR 5-1(i)(3), 7-11, 7-12; DEC. 18, 2013 HEARING	
18 19	Warden, California State Prison at San Quentin, Respondent. TO: THE HONORABLE WILLIAM H. ALSUP, UNIT	ON MOTION FOR TRANSFER AND RESTORATION; NDLR 5-1(i)(3), 7-11, 7-12; DEC. 18, 2013 HEARING DATE UNAFFECTED	
18 19 20	Warden, California State Prison at San Quentin, Respondent. TO: THE HONORABLE WILLIAM H. ALSUP, UNIT GREGG ZYWICKE, GLENN PRUDEN, AMBER W. GENERAL; AND TO RICHARD W. WIEKING, CL.	ON MOTION FOR TRANSFER AND RESTORATION; NDLR 5-1(i)(3), 7-11, 7-12; DEC. 18, 2013 HEARING DATE UNAFFECTED TED STATES DISTRICT JUDGE; IPFLER, DEPUTY ATTORNEYS	
18 19 20 21	Warden, California State Prison at San Quentin, Respondent. TO: THE HONORABLE WILLIAM H. ALSUP, UNIT GREGG ZYWICKE, GLENN PRUDEN, AMBER W. GENERAL; AND TO RICHARD W. WIEKING, CLI DISTRICT COURT:	ON MOTION FOR TRANSFER AND RESTORATION; NDLR 5-1(i)(3), 7-11, 7-12; DEC. 18, 2013 HEARING DATE UNAFFECTED TED STATES DISTRICT JUDGE; IPFLER, DEPUTY ATTORNEYS ERK OF THE UNITED STATES	
18 19 20 21 22	Warden, California State Prison at San Quentin, Respondent. TO: THE HONORABLE WILLIAM H. ALSUP, UNIT GREGG ZYWICKE, GLENN PRUDEN, AMBER W. GENERAL; AND TO RICHARD W. WIEKING, CLI DISTRICT COURT: Pursuant to Northern District Local Rules, Rules 7-12	ON MOTION FOR TRANSFER AND RESTORATION; NDLR 5-1(i)(3), 7-11, 7-12; DEC. 18, 2013 HEARING DATE UNAFFECTED TED STATES DISTRICT JUDGE; IPFLER, DEPUTY ATTORNEYS ERK OF THE UNITED STATES	
18 19 20 21 22 23	Warden, California State Prison at San Quentin, Respondent. TO: THE HONORABLE WILLIAM H. ALSUP, UNIT GREGG ZYWICKE, GLENN PRUDEN, AMBER W. GENERAL; AND TO RICHARD W. WIEKING, CLIDISTRICT COURT: Pursuant to Northern District Local Rules, Rules 7-12 this stipulation and declaration.	ON MOTION FOR TRANSFER AND RESTORATION; NDLR 5-1(i)(3), 7-11, 7-12; DEC. 18, 2013 HEARING DATE UNAFFECTED TED STATES DISTRICT JUDGE; IPFLER, DEPUTY ATTORNEYS ERK OF THE UNITED STATES 1 and 7-12, the parties hereby present	
18 19 20 21 22 23 24	Warden, California State Prison at San Quentin, Respondent. TO: THE HONORABLE WILLIAM H. ALSUP, UNIT GREGG ZYWICKE, GLENN PRUDEN, AMBER W. GENERAL; AND TO RICHARD W. WIEKING, CL. DISTRICT COURT: Pursuant to Northern District Local Rules, Rules 7-12 this stipulation and declaration. On October 23, 2013, petitioner filed a motion for the state of the stat	ON MOTION FOR TRANSFER AND RESTORATION; NDLR 5-1(i)(3), 7-11, 7-12; DEC. 18, 2013 HEARING DATE UNAFFECTED TED STATES DISTRICT JUDGE; IPFLER, DEPUTY ATTORNEYS ERK OF THE UNITED STATES 1 and 7-12, the parties hereby present transfer to an appropriate psychiatric	
18 19 20 21 22 23 24 25	Warden, California State Prison at San Quentin, Respondent. TO: THE HONORABLE WILLIAM H. ALSUP, UNIT GREGG ZYWICKE, GLENN PRUDEN, AMBER W. GENERAL; AND TO RICHARD W. WIEKING, CLIDISTRICT COURT: Pursuant to Northern District Local Rules, Rules 7-12 this stipulation and declaration.	ON MOTION FOR TRANSFER AND RESTORATION; NDLR 5-1(i)(3), 7-11, 7-12; DEC. 18, 2013 HEARING DATE UNAFFECTED TED STATES DISTRICT JUDGE; IPFLER, DEPUTY ATTORNEYS ERK OF THE UNITED STATES 1 and 7-12, the parties hereby present transfer to an appropriate psychiatric	

apparent that the motion was controversial. See November 6, 2013, Opposition To Motion For Restoration And Transfer, Doc. 621; and November 6, 2013, Opposition To Motion For Restoration And Transfer, Doc. 623.

On November 14, 2013, the parties submitted a stipulation and proposed order extending the time for petitioner to file his reply brief through November 21, 2013, Doc. 625. On November 15, 2013, this Court signed the proposed Order, so extending the time. Doc. 626.

Counsel for the parties have communicated regarding these matters by e-mail, on November 19 and 20, 2013, in the context of the settlement proceedings. In light of the controversy, petitioner seeks to supplement his showing in support of the motion and counsel for respondents seek to address any such showing in the context of the motion for transfer before this Court, rather than in the context of the settlement conference proceedings.

On November 20, 2013, petitioner's co-counsel, Tim Brosnan, exchanged e-mails with respondent's co-counsel, Glenn Pruden and Amber Wipfler, and advised of this request. Mr. Pruden and Ms. Wipfler authorized petitioner to represent that respondent's counsel have no opposition to this request and stipulate to the Court granting it. Per N. D. Local Rules, rule 5-1(i)(3), I attest that concurrence in the filing of the document has been obtained from each of the other signatories listed below.

Petitioner will be glad to submit a more detailed showing if the Court finds that appropriate. There was one prior stipulated request to extend time for filing of petitioner's reply brief, which the Court granted, as described above. This request does not affect the hearing date.

Per N.D. Local Rules, rule 7-12, a proposed Order is provided on a following page.

STIPULATION

The parties stipulate to the court entering an Order, allowing: petitioner to file a supplement to his motion with accompanying support including a declaration by William L. Osterhoudt by Wednesday, November 27, 2013; counsel for respondents to file any opposition(s) to that supplement by Friday, December 6, 2013; petitioner to file any reply by Friday, December 13, 2013. The Case Management Conference will proceed as scheduled on December 18, 2013. Petitioner's reply brief which is currently scheduled for filing on Thursday, November 21, is vacated.

1	It is so stipulated.		
2	it is so supulated.		
3 4	DATED: November 21, 2013	(By)	/s/ Glenn Pruden GREGG ZYWICKE GLENN PRUDEN Deputy Attorneys General,
5			Counsel for Respondent
6 7	It is so stipulated.		
	DATED N 1 21 2012	(D.)	/ / A 1 377 (1
8	DATED: November 21, 2013	(By)	/s/ Amber Wipfler AMBER WIPFLER, Deputy Attorney General,
10			Counsel for Respondent
11	It is so stipulated.		•
12			
13	DATED: May 30, 2013	(By)	<u>/s/ William L. Osterhoudt</u> WILLIAM L. OSTERHOUDT TIM BROSNAN
14 15			Counsel for Petitioner, OSCAR GATES
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(Proposed) ORDER

1	PURSUANT TO STIPULATION, IT IS SO ORDERED.
2	Dated: November 25, 2013
3	Dated: November 25, 2013 HONORABLE WILLIAM H. ALSUP
5	HONOKABLE WILLIAM H. ALSUP
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